

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BENFIELD, INC.,
a Delaware corporation; and
BENFIELD HOLDINGS, INC.,
a Delaware corporation;

Plaintiffs,

v.

ORDER

Civil File No. 04-3513 (MJD/SRN)

DAVID MOLINE, an individual;
and MARK HAGEN, an individual;

Defendants and Third Party Plaintiffs,

and

JOHN B. COLLINS ASSOCIATES, INC.,

Defendant,

v.

RODMAN FOX,

Third Party Defendant.

Robin Caneff Gipson, Gregory James Stenmoe and Timothy Robert Thornton,
Briggs & Morgan, and Wendy J. Wildung, Faegre & Benson, Counsel for Plaintiffs
Benfield, Inc., and Benfield Holdings, Inc., and Third Party Defendant Rodman
Fox.

Ansis V. Viksnins and Reuben A. Mjaanes, Lindquist & Vennum, PLLP, Counsel for
Defendants and Third Party Plaintiffs David Moline and Mark Hagen and
Defendant John B. Collins Associates, Inc.

This matter is before the Court on Plaintiffs' Motion to Strike Defendants' Unclean Hands Defense and for Summary Judgment on Defendants' Remaining Counterclaims [Docket No. 122]; Defendants' Motion for Summary Judgment [Docket No. 163]; and Plaintiffs' Motion for Partial Summary Judgment on Issue of Conversion of Benfield's Brokerage Commissions [Docket No. 192]. Oral argument is scheduled for today at 9:00 a.m. In order to promote judicial economy,

IT IS HEREBY ORDERED that

The Court will only hear oral argument on the following issues:
Defendants' motion for summary judgment on claims for breach of contract and breach of fiduciary duty based on use of confidential information and failure to give thirty days' notice;

Defendants' motion for summary judgment on the usurpation of corporate opportunity claim;

Parties' cross-motions for summary judgment on the conversion claim;

Plaintiffs' motion for summary judgment on the defamation claim based on the integrity remark.

Dated: November 30, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court